

**Office Action Summary**

Application No.

09/159,833

Applicant(s)

UTSUMI ET AL.

Examiner

Jenise E Jackson

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. The invention as recited in claims 1-21 are directed to a storing apparatus for protecting an access of information recorded on a medium by a password. The apparatus includes a password preserving unit, and a password verifying. However, in regards to the “default password” the Examiner fails to see how the apparatus is being protected. According to the claimed invention, there is a password verifying unit for controlling the access protection by substituting the default input password for a user input password and comparison collating with the password for access protection when there is no password input from the user. How does the password verifying unit distinguish between an unauthorized user and an authorized user, if any user who does not input a password is allowed to have access to the information on the recorded medium?

Therefore, the Examiner asserts that the claimed invention recites data embodied on a computer medium that is protected; however, the data that is stored on the medium is a secure apparatus.

Thus, these claims are rejected as being directed to non-statutory subject matter. See MPEP 2107-2107.02

3. The Examiner asserts that because the applicant fails to provide a definition of a default password, for the purpose of applying art a default password is any password that is set by default.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 5, and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Rupp Corporation.

As per claims 1-2, and 18 are rejected, because Rupp Corp. teaches a storing apparatus for protecting an access of information recorded on a medium by a password, and a preserving unit, because Rupp teaches that the password can be set(i.e. preserving unit) and used continuously. Also, Rupp discloses a password verifying unit, because the verifying unit ensures that the default password is verified against the password stored on the hard disk. Furthermore, Rupp teaches that if a user does not input a password, the default password is used instead of the user input password. Thus, when the user does not input a password, the default password is compared with the password on the hard drive; therefore, once they are compared(i.e. validated) the hard disk drive is locked. Also, Rupp discloses that when a user enters a master password, the master password is compared to the password for access protection; thus when they are compared(i.e. validated) the harddrive is unlocked.

6. As per claim 5, the Examiner takes Official Notice that the step of storing passwords on a non-volatile memory is well-known. The motivation to store data(i.e. passwords) on a non-volatile memory is that the passwords that are stored, are not lost when there is a power failure or when the power is shut down.

7. Claims 1-2, 5, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hideo.

8. As per claims 1 and 18, Hideo discloses a storing apparatus that is an IC card(8) for protecting access to information on the card by a password, and a password preserving unit that stores a default password(password information previously stored) and a password for access protection(password stored on the card). Also, Hideo discloses a password verifying that is a comparing part(31), because the comparing part verifies the default password and the access protected password by comparing the two passwords for access to the information stored on the card. If a user forgets his/her password, as a result, the user cannot input his/her password for access, thus the password information that was previously stored is substituted for a user input password and compared to the password that is stored on the IC card. Furthermore, Hideo discloses in the detailed description, that if a user inputs his/her password a comparison is made between the inputted password and the password for access protection.

9. As per claim 2, according to Merriam-Webster's Collegiate Dictionary, the definition of comparing is to be equal or a like(see pg. 234). Hideo discloses that the default password and the password for access protection are compared(same value) to allow access to the information stored on the card. Therefore, it is obvious that both passwords have the same value, because comparing passwords that have the same value, is an efficient method that insures that only authorized users are granted access.

10. As per claim 5, the Examiner takes Official Notice that the step of storing passwords on a non-volatile memory is well-known. The motivation to store data(i.e. passwords) on a non-volatile memory is that the passwords that are stored, are not lost when there is a power failure or

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when power is shut down. Therefore, it is obvious to have non-volatile storage, because non-volatile storage is a more secure method of storing passwords, than volatile memory.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E Jackson whose telephone number is (703) 306-0426. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gail Hayes can be reached on (703) 305-9711. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-0040 for regular communications and (703) 308-6306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



December 13, 2001



THOMAS R. PEESO  
PRIMARY EXAMINER